

## CHAPTER 11

### MISCELLANEOUS USE REGULATIONS

#### SECTION:

- 11-11-1: *Miscellaneous Use Regulations*
- 11-11-2: *Conversion of Dwelling to More Units*
- 11-11-3: *Temporary Buildings*
- 11-11-4: *Parking and Storage of Certain Vehicles*
- 11-11-5: *Dangerous, Hazardous or Highly Objectional Uses*
- 11-11-6: *Accessory Buildings*
- 11-11-7: *Animal Clinics, Animal Hospitals, Veterinary Offices and Commercial Kennels*
- 11-11-8: *Bulk Storage of Flammable Liquids and Gases, Above or Below Ground and for Resale*
- 11-11-9: *Hazardous Uses*
- 11-11-10: *Contractors Yards*
- 11-11-11: *Drive-In-Restaurants*
- 11-11-12: *Home Occupations*
- 11-11-13: *Restrictions Upon Home Occupations*
- 11-11-14: *Riding Stables and Schools*
- 11-11-15: *Rifle and Pistol Ranges*
- 11-11-16: *Wrecking Yards and Junk Yards*
- 11-11-17: *Landfills, Recycling Centers, Incinerators, Compost Operators, and Other Solid Waste Disposal Facilities*
- 11-11-18: *Firearms Usage*
- 11-11-19: *Fences*
- 11-11-20: *Developments Near Canals*
- 11-11-21: *Manufactured Home Placement*
- 11-11-22: *Manufactured/Mobile Home Parks*
- 11-11-23: *Street Access*

11-11-1: MISCELLANEOUS USE REGULATIONS: The purpose of these miscellaneous use regulations is to set specific conditions for various uses, and classification of uses in areas where problems are frequently encountered. In addition to all other regulations specified in this Title, the following provisions in this Chapter shall be adhered to.

11-11-2: CONVERSION OF DWELLINGS TO MORE UNITS: A residential structure may not be converted to accommodate an increased number of dwelling units unless:

- (A) The front, side and rear yard dimensions will meet the yard dimensions required by the zoning regulations for new structures in that district.
- (B) The lot area per family equals the lot area requirements for new structures in that district.
- (C) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- (D) The conversion is in compliance with all other building and health and safety codes and ordinances.

11-11-3: TEMPORARY BUILDINGS: Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may only be permitted on the site by conditional use permit in any zone during the period construction work is in progress, but not to exceed one (1) year, and such temporary facilities shall be forthwith removed upon completion of the construction work.

11-11-4: PARKING AND STORAGE OF INOPERABLE VEHICLES IN RESIDENTIAL ZONES: No more than two (2) inoperable or unregistered vehicles of any kind or type may be parked or stored upon any residential property for a period of more than forty-eight (48) consecutive hours, unless within a completely enclosed building or carport.

11-11-5: DANGEROUS, HAZARDOUS OR HIGHLY OBJECTIONABLE USES: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise highly objectionable conditions which adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Title may be undertaken and maintained if the following performance requirements are observed:

- (A) Fire Hazards - Any activity involving the use or storage of flammable or explosive materials, including hazardous materials shall be protected by adequate fire fighting and fire protection equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept and maintained in compliance with the Uniform Fire Code.
- (B) Radioactivity or Electrical Disturbance - No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- (C) Noise - Objectionable noise due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises attendant to ordinary agricultural operations.

- (D) Vibration - No vibration shall be permitted which is readily discernable upon any adjoining lot or property.
- (E) Air Pollution - Air pollution shall be subject to the requirements and regulations established by the District Seven Health Department or the State of Idaho.
- (F) Glare - No direct or reflected glare shall be permitted which is visible from any property adjacent to an industrial-commercial zone which is visible from any street.
- (G) Erosion - No erosion, caused by human instrumentalities, shall be permitted which will carry hazardous, noxious or foul smelling substances onto neighboring properties.
- (H) Enforcement Provisions - Prior to the issuance of a Building Permit, the City Council may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

11-11-6: ACCESSORY BUILDINGS:

- (A) Accessory buildings shall not be located in any required front yard area or closer to the street than the front face setback line.
- (B) Accessory buildings shall not be located closer than five (5) feet from any side or rear property line.
- (C) All structures under one hundred forty-four (144) square feet shall not require a building permit and shall not be located closer than two (2) feet from any side or rear yard. Those exceeding one hundred forty-four (144) square feet shall require a building permit to be constructed, with the exception of agricultural buildings in the Agriculture (A) zone. (Ord. 129,1/15/08)

11-11-7: ANIMAL CLINICS, ANIMAL HOSPITALS, VETERINARY OFFICES AND KENNELS: Animal clinics, animal hospitals, veterinary offices and kennels shall be located at least three hundred (300) feet from any residence use, motel or hotel, except for an owner's residence. The City may modify these requirements if the animals are housed in sound-proof structures that also screens them from view of the abutting residential property.

11-11-8: BULK STORAGE OF FLAMMABLE LIQUIDS AND GASES, ABOVE OR BELOW GROUND AND FOR RESALE:

- (A) Bulk storage of flammable liquids and gases, above or below ground and for resale shall be located at least three hundred (300) feet from a residence, motel, or hotel, except for an owner's residence.
- (B) Bulk storage of flammable liquids and gases, above or below ground and for resale shall be erected only with the written approval of the City.
- (C) Bulk storage of flammable liquids and gases, above or below ground and for resale shall have suitable loading and unloading spaces and off-street parking facilities in conformity with Chapter 12 of this Title and the Uniform Fire Code.

11-11-9: HAZARDOUS USES: All chemicals, pesticide and fertilizer storage and manufacturing shall have adequate fire protection, storage area, handling and disposal in accordance with the Uniform Fire Code.

11-11-10: CONTRACTORS YARDS:

- (A) All contractors yards shall be located a minimum distance of the three hundred (300) feet from any residence except for the owner's residence.
- (B) All contractors yards shall have a vision screening fence around areas utilized for storage equipment and demolition material.

11-11-11: DRIVE-IN RESTAURANTS:

- (A) All drive-in restaurants shall be enclosed by landscaping or fencing, except for ingress and egress roads or pedestrian entrances, in such a manner as to prevent trash from moving onto other properties.
- (B) All drive-in restaurants shall have a six (6) foot high-sight obscuring fence along the property lines that adjoin a residence.
- (C) All drive-in restaurants shall provide for adequate trash receptacles; and
- (D) All drive-in restaurants shall avoid the direction of night lighting upon adjoining residential uses.

11-11-12: HOME OCCUPATIONS:

- (A) Home occupations will be allowed as a conditional use within any residential zone, subject to the provisions of this Chapter. No person shall conduct a home occupation without first obtaining a conditional use permit in accordance with the provisions of Chapter 8 of this Title.

(B) No industrial or manufacturing use shall be permitted as a home occupation.

11-11-13: RESTRICTIONS UPON HOME OCCUPATIONS:

(A) Home occupations shall be classified as follows:

1. In-home occupations, which are those occupations that operate solely within a residential structure, and
2. Off-premise occupations, which are those home occupations which utilize a residential structure as a base of operations for the purpose of performing office or clerical work, with actual work being conducted off the premises.

(B) In-home Occupations. In-home occupations shall comply with the provisions set forth below:

1. No more than one (1) person other than persons actually residing on the premises, shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conducting of the home occupation.
3. The outside appearance of the residence shall not be altered in any way to attract customers or signify the undertaking of the home occupation and there shall be no visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal residential premises.
4. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Title, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. Signage for the home occupation shall be limited to two (2) square feet.

7. The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated or in any other manner.

(C) Off-Premise Home Occupations: The following regulations shall apply to home occupations conducted off-premises:

1. No more than five (5) persons, other than residents of the residential occupancy upon the premises, shall be engaged in such occupation. All vehicles of employees shall be parked off the street and not within the front yard area.
2. The use of the dwelling unit for the off-premise home occupation office shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conducting of the home occupation.
3. The outside appearance of the residence shall not be altered in any way to attract customers or signify the undertaking of the home occupation and there shall be no visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal residential premises.
4. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Chapter, and shall not be located in a required front yard. Equipment needed for the off-premise home occupation shall be stored in a fenced yard area and not parked on the street or in the front yard area.
5. No mechanical, equipment or manufacturing process shall be used or conducted on premises.
6. Signage for the home occupation shall be limited to two (2) square feet.
7. The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated or in any other manner.

11-11-14: RIDING STABLES AND SCHOOLS:

- (A) All stables or loafing sheds shall be located not less three hundred (300) feet from any residence, except for owner's residence. All such facilities shall be set back a distance of thirty (30) feet from any property line.

- (B) All riding stables and schools shall be conducted in a manner that avoids excessive noise and obnoxious odors. No riding stable or school shall be conducted in a manner which creates a nuisance.

11-11-15: RIFLE AND PISTOL RANGES:

- (A) All rifle and pistol ranges shall be constructed and operated at all times with an adequate and safe backstop.
- (B) All rifle and pistol ranges shall be designed to avoid a line of fire that is directed towards any residence or business within one (1) mile.
- (C) All rifle and pistol ranges shall incorporate landscaping that is compatible with the surrounding landscaping.
- (D) All rifle and pistol ranges shall provide supervision and security measures during all periods of use.

11-11-16: WRECKING YARDS AND JUNK YARDS:

- (A) No wrecking yards or junk yards shall be operated unless the owner or operator thereof constructs and maintains a site-obscuring fence located parallel to and ten (10) feet back of the right-of-way line of any public street or highway for any auto wrecking yard and salvage yard. Said fence shall be constructed around the entire premises devoted to such auto wrecking or salvage yard. Any person operating a wrecking yard or junk yard on the effective date of this Title shall construct such fence within one (1) year from such effective date.
- (B) Materials used for the construction of such fence and details of construction must be approved by the City. The decision of the City shall be guided by the need to preserve and protect the scenic and aesthetic values of the surrounding area, and to protect property value.
- (C) No person operating a wrecking yard or junk yard shall store automobile, junk or salvage material that is visible from any other property.
- (D) No person operating a wrecking yard or junk yard shall store automobiles or junk in a manner that exceeds the height of fence.

11-11-17: LANDFILLS, RECYCLING CENTERS, INCINERATORS, COMPOST OPERATORS, AND OTHER SOLID WASTE DISPOSAL FACILITIES: The City Council may grant a conditional use permit for the construction of a landfill, recycling center, incinerator, commercial composting operation, liquid waste land farm or any other type of solid waste disposal or recycling operation subject to the following conditions:

- (A) No such permit shall be granted to allow operation of such use in any residential zone.
- (B) The applicant shall establish to the City Council's satisfaction that he intends to and is financially capable of complying with all State, Federal, and local laws, ordinances, and regulations governing the conduct of such operations.
- (C) Such operation shall be required to plan for, install and maintain such safeguards and measures as the Council shall require to ensure that ground water quality and air quality, are preserved and environmental hazards and nuisance and unsightly areas are not created by the operation.

11-11-18: FIREARMS USAGE: No person shall discharge any firearm within the City limits or discharge any projectile into the City limits.

11-11-19: FENCES: Fences shall not exceed six (6) feet in height when located behind the front setback line of the building within the zone in which the fence is placed. Fences shall not exceed three (3) feet in height if located within the front yard (in front of the front setback line) unless such fence is constructed of material that allows clear vision for sight distance through the fence. If the fence is constructed of such material, it may be constructed to four (4) feet in height in the front yard area.

11-11-20: DEVELOPMENT NEAR CANALS: No building or structure shall be constructed within thirty (30) feet from the high water mark of any canal.

11-11-21: MANUFACTURED HOME PLACEMENT: Manufactured homes meeting the following standards may be sited on single family lots within the City limits. The term "manufactured home" shall have the same meaning ascribed in Section 39-4105(4), Idaho Code.

- (A) The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
- (B) The manufactured home shall be placed on an excavated and back-filled, permanent, foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade.
- (C) The manufactured home shall have a pitched roof, and shall have a slope of at least three (3) feet in height for each twelve (12) feet in width.
- (D) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

- (E) The manufactured home shall have a garage or carport constructed of like materials. If the predominant construction in the area is attached or detached garages then the same can be required.
- (F) Additions to a manufactured home shall be of compatible construction using like materials.
- (G) The home, at the time of placement, must meet all City, state, and county minimum standard building codes.
- (H) Only one (1) manufactured home may be placed on any single lot.

11-11-22: MANUFACTURED/MOBILE HOME PARKS:

- (A) Mobile home parks may be constructed or operated in R-2 and C zones by conditional use permit, but only when such parks are constructed and maintained in accordance with the following standards and conditions. The park shall be in one (1) ownership and shall remain in one (1) ownership and the same shall not be subdivided.
- (B) The park must be approved by the City prior to the issuance of a permit therefor. The application for said permit shall be accompanied by twelve (12) copies of the plot plan of the proposed park. The plot plan shall contain all of the following information.
  1. The name and address of the applicant(s), as well as the name and address of the individual or company by whom the plan was prepared.
  2. Location and legal description of the tract of land certified by an Idaho Registered Land Surveyor.
  3. Name of the manufactured home park.
  4. Vicinity map, showing the relationship of the manufactured home park to adjacent properties.
  5. Location and width of access way.
  6. Street layout, including location, width and proposed names.
  7. Location and width of walkways, alleys, crosswalks, and easements.
  8. Proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, and fire protection.

9. Building plans and specifications for existing buildings and facilities shall be included in the plot plan.
  10. Location and type of landscaping plantings, fences, walls or other forms of landscaping.
  11. Enlarged plot plan of typical manufactured home space, showing location of the land, patio, storage space, parking, sidewalk, utility connections and landscaping.
  12. All sites shall be properly indicated by location and size and numbered on the plot.
  13. Complete information regarding storm sewers and plans to handle storm water.
  14. Grades of driveways; and,
  15. Such other information as required by the City.
- (C) The park shall contain at least two (2) acres, and at least one (1) side of the park shall abut upon a public street.
- (D) The park must be connected to the water system of the City and shall be served by a sewage disposal system operated by the I.B.S.D. or any other sewer utility licensed by the State of Idaho and approved by the City.
- (E) Spaces in a park shall be not less than ten thousand eight hundred ninety (10,890) square feet in area. Such minimum area shall include off-street parking areas for the spaces as required by this Title.
- (F) The minimum lot width shall be seventy-five (75) feet.
- (G) Yard areas shall be required in accordance with the following:
1. Each home or accessory building shall be located as to provide a minimum side yard setback of ten (10) feet, except the side where the primary entrance is located shall be a minimum of twenty (20) feet.
  2. Each home or accessory building shall be set back at least twenty-five (25) feet from the front property line or road right-of-way.
  3. A minimum rear yard setback of ten (10) feet shall be required. A minimum setback of twenty (20) feet shall be required for each space adjacent to any exterior boundary of the trailer park.

- (H) The boundaries of each space shall be clearly, distinctly and permanently outlined.
- (I) In no event shall the occupied area of a space exceed fifty percent (50%) of the total space. The area shall be deemed to be occupied when covered, or occupied by a manufactured home or any other stored vehicle or structure, or combination thereof.
- (J) The park shall be completely surrounded by a fence, not less than six (6) feet in height, or a twenty (20) foot wide landscaped lawn area and shrubs shall be installed with the following exceptions:
  - 1. Points of ingress and egress from dedicated public streets.
  - 2. A fifty (50) foot yard shall be provided, landscaped and maintained between the public street and the park.
  - 3. If the park adjoins a similar land use the City may modify the setback requirement along the common boundary.
- (K) Trees, shrubs, grass, or other forms of landscaping shall be provided in sufficient quantities to ensure a residential appearance.
- (L) Off-street parking shall be provided in accordance with the terms of this Title. All driveways and off-street parking spaces shall be paved.
- (M) The layout of the park shall be so designed that it can be coordinated with a residential neighborhood street system in the event such park is discontinued.
- (N) Roads that are three hundred (300) feet or longer are to be stubbed to the perimeter of all sides of the park. The maximum distance between streets to the perimeter are not to exceed one thousand (1,000) feet. At least two (2) access roads shall be provided to and from each trailer park.
- (O) Road rights-of-way shall be constructed with a minimum width of at least sixty (60) feet wide with a five (5) foot wide sidewalk and a five (5) foot wide landscape strip on each side thereof. All driveways and sidewalks shall be hard-surfaced and driveways shall be lighted at night with electric lamps of not less than twenty-five (25) lumens, or some equal light, spaced at intervals of not more than one hundred (100) feet on the roadway.
- (P) An electrical outlet supply of at least one hundred-ten (110) volts shall be provided for each trailer space.
- (Q) The owner or operator of a park shall maintain the entire park in a neat and orderly manner. All common areas and facilities required by this Title shall be maintained in a good state of repair.

- (R) Points of ingress and egress shall be located and designed so as to provide safe and convenient access to and from the park and to eliminate congestion in the streets.
- (S) No more than one manufactured home or mobile home may be placed on a lot.  
(Ord. 81, 2-16-00)

11-11-23: STREET ACCESS: No building permit shall be issued for the construction of any building or structure upon any lot which does not have frontage upon and access to a dedicated public street. At least one side of each lot used as a dwelling site shall abut upon a street which has been deeded or dedicated to the public for street purposes, and the length of such abutting side shall be at least as great as the width required for dwelling sites in the zone in which such building site is located.

